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BEFORE THE
ILLINOIS COMMERCE COMMISSION

Gallatin County Emergency Telephone) DOCKET NO.
System Board) 14-0406
)
Petition to Modify 9-1-1 System)
Provider for Gallatin County)
Emergency Telephone System Board,)
Gallatin County, Illinois.)

CONSOLIDATED WITH

Saline County Emergency Telephone) DOCKET NO.
System Board) 14-0407
)
Petition to Modify 9-1-1 System)
Provider for Saline County)
Emergency Telephone System Board,)
Saline County, Illinois.)

Springfield, Illinois

June 24, 2014

Met, pursuant to notice, at 9:00 a.m.

BEFORE:

John D. Albers, Administrative Law Judge

MIDWEST LITIGATION SERVICES
by: Dorothy J. Hart, RPR, CSR
CSR #084-001390

1 APPEARANCES:

2 John R. Clemons
3 Southern Illinois Law Center, LLC
4 813 West Main Street
5 Carbondale, Illinois 62901
6 (Appearing via teleconference on
7 behalf of the Petitioners)

8 Matthew L. Harvey
9 Office of General Counsel
10 Illinois Commerce Commission
11 160 North LaSalle Street, Suite C-800
12 Chicago, Illinois 60601
13 (Appearing via teleconference on
14 behalf of the Staff of the
15 Illinois Commerce Commission)

16 Karl B. Anderson
17 Mark R. Ortlieb
18 Corporate/Legal
19 AT&T Illinois
20 225 West Randolph, Floor 25D
21 Chicago, Illinois 60606
22 (Appearing via teleconference
23 on behalf of AT&T)

24 Richard W. Hird
Petefish Immel Heeb & Hird, LLP
842 Louisiana Street
Lawrence, Kansas 66044
(Appearing via teleconference
on behalf of NG-911, Inc.)

John H. Kelly
Ottosen Britz Kelly Cooper
Gilbert & DiNolfo, Ltd.
1804 North Naper Boulevard, Suite 350
Naperville, Illinois 60563
(Appearing via teleconference
on behalf of NG-911, Inc.)

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3	(None)		
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5			
6	EXHIBITS	IDENTIFIED	ADMITTED
7	(None)		
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PROCEEDINGS

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call Docket Numbers 14-0406 and 14-0407. The former concerns the Petition to Modify the 911 System for Gallatin County Emergency Telephone System Board and the latter concerns the Petition to Modify the 911 System Provider for the Saline County Emergency Telephone System Board.

These dockets have not been consolidated at this time.

May I have the appearances for the record, please?

MR. CLEMONS: For both Petitioners, Your Honor, John Clemons, attorney in Carbondale.

JUDGE ALBERS: Could you go ahead and give us your address, please, and phone number?

MR. CLEMONS: 813 West Main Street, Carbondale, Illinois 62901, phone number 618-529-4000.

JUDGE ALBERS: Thank you.

MR. HARVEY: For the Staff of the Illinois Commerce Commission, Matthew L. Harvey, 160 North LaSalle Street, Suite C-800, Chicago,

1 Illinois 60601, 312-793-8343.

2 MR. HIRD: For Intervenor NG-911, Inc.,
3 Richard W. Hird, Petefish Immel Heeb & Hird, 842
4 Louisiana, Lawrence, Kansas 66044. Telephone is
5 785-843-0450.

6 MR. ANDERSON: On behalf of AT&T, this
7 is Karl B. Anderson, 225 West Randolph Street,
8 Floor 25D, Chicago, Illinois 60606. My phone
9 number is 312-727-2928.

10 I'd like to also enter the appearance
11 on behalf of AT&T of Mark R. Ortlieb at the same
12 address. His phone number is 312-727-6705.

13 Thank you.

14 MR. KELLY: As additional counsel on
15 behalf of NG-911, Inc., John Kelly, Ottosen Britz,
16 O-t-t-o-s-e-n, Britz, 1804 North Naper, N-a-p-e-r,
17 Naperville, Illinois 60563. Phone number is
18 630-682-0085.

19 JUDGE ALBERS: Any others wishing to
20 enter an appearance?

21 (No response)

22 JUDGE ALBERS: Let the record show no
23 response.

24 As far as preliminary matters, I have a

1 few.

2 I have the June 12th Petition to
3 Intervene of Illinois Bell Telephone Company d/b/a
4 AT&T Illinois and New Cingular Wireless PCS, LLC,
5 and I have the June 13th Petition to Intervene of
6 NG-911, Inc. in Docket 14-406.

7 And I should mention that the Illinois
8 Bell Petition to Intervene was in both dockets.

9 Is there any objection to any of those
10 Petitions to Intervene?

11 MR. CLEMONS: None by the Petitioners
12 in both cases.

13 MR. HARVEY: None from Staff, Your
14 Honor.

15 MR. HIRD: Your Honor, this is Richard
16 Hird. I intervened in the 0406 docket under the
17 belief that they would be consolidated and that
18 out-of-state counsel intervening in one case would
19 allow me to use up one of my five opportunities to
20 participate as out-of-state counsel.

21 If I need to separately intervene in
22 the 0407 docket, I'd be glad to file that motion,
23 but I thought it would suffice for both.

24 JUDGE ALBERS: It may very well. No

1 one's brought up consolidation yet. So, you know,
2 I figure somebody might bring that up later.

3 But for now I guess there's no
4 objection to these three Petitions to Intervene.
5 So hearing none, they're granted.

6 And I will also mention that I received
7 Mr. Hird's Rule 707 statement.

8 Now, with regards to docket -- just a
9 couple of clarifying questions for myself here.

10 With regard to Docket 14-0406, should
11 there be a confidential version of Exhibit 7? I
12 think there's a motion filed in that docket seeking
13 confidential treatment of Exhibits 7 and 11, but I
14 didn't see a confidential version of Exhibit 7.

15 MR. CLEMONS: I thought we did file
16 that, Judge. This is John Clemons. I'll have to
17 sort through my pleadings, but I thought we filed
18 both a public and a confidential.

19 JUDGE ALBERS: Well, I know there's a
20 confidential and public version of Exhibit 11 in
21 Docket 406, and a confidential and public version
22 of Exhibits 7 and 11 in Docket 407.

23 MR. CLEMONS: Okay. So you think we're
24 short on one exhibit in 406?

1 JUDGE ALBERS: Only if -- only if
2 Exhibit 7 in 406 has confidential information in
3 it. If there's nothing in there you believe is
4 confidential, then the one that I have is just
5 fine.

6 MR. CLEMONS: No, I think we -- I think
7 what our plan was was to go with confidentiality on
8 7 and 11 in both 406 and 407.

9 JUDGE ALBERS: Okay. Well, take a look
10 at that then, and if you need to file some revised
11 exhibits, go ahead and do so. If not, if you
12 decide you don't need to, just let me know.

13 Along the same line of thinking
14 concerning confidential treatment, in both of the
15 motions for confidential treatment in the two
16 dockets there is a request for confidential
17 treatment for five years I believe, and I was going
18 to ask you to provide some type of filing later
19 explaining why five years is necessary as opposed
20 to two years, which I believe is what was granted
21 in the prior docket concerning Jackson County.

22 So, how much time do you think you'd
23 like to put that together?

24 MR. CLEMONS: Well, Rick Hird, any

1 comment on that, on the two versus five?

2 MR. HIRD: Yes. We would -- we will be
3 asking for the maximum allowable due to the terms
4 of the contract. You know, in a week we could put
5 that together, Judge, and submit that.

6 JUDGE ALBERS: Okay. That's fine.
7 I'll look for that on July 1st.

8 MR. HIRD: Okay.

9 MR. CLEMONS: And, Judge, I think the
10 Petitioner would adopt whatever Mr. Hird files on
11 that since the confidentiality issue is essentially
12 a contractual issue between the counties and
13 NG-911, Inc. And our efforts, of course, have been
14 that we do not want to violate our contractual
15 obligations with NG-911, Inc.

16 JUDGE ALBERS: All right. I
17 understand.

18 And then lastly with regard to
19 confidential treatment, in Docket 13-0669 there
20 were certain terms adopted for governing the
21 handling of confidential information. Since the
22 same issues are at stake here in this -- in these
23 two dockets, is there any objection to adopting the
24 same terms in these two dockets?

1 MR. CLEMONS: Petitioner has no
2 objection.

3 MR. HIRD: NG-911 has no objection.

4 MR. HARVEY: None from Staff.

5 JUDGE ALBERS: I'm sorry, Mr. Harvey,
6 we didn't hear you.

7 MR. HARVEY: Oh, none from Staff.

8 JUDGE ALBERS: Any objection from AT&T?

9 MR. ANDERSON: No objection.

10 JUDGE ALBERS: All right. Thank you.
11 I'll send out a ruling to that effect with those
12 terms attached.

13 Okay. I think that covers my
14 preliminary matters. Did anybody else have any
15 they wanted to raise?

16 MR. CLEMONS: I think the question on
17 formal consolidation needs to be covered, Judge.
18 The two petitions, one from Gallatin County and one
19 from Saline, are essentially identical other than
20 certain exhibits that are specific to each county.
21 And there's a little bit -- there's a little bit of
22 an unusual twist with these two counties that I'm
23 not sure everyone understands.

24 Gallatin County is an extremely small

1 population county. And they have by
2 intergovernmental agreement many years ago, when
3 the 911 systems went operational, they have the
4 Saline County people answering their 911 calls and
5 then Saline County dispatches for emergency
6 services in Gallatin County. It transfers the
7 calls to the appropriate Gallatin County agency,
8 police, fire, medical.

9 So these two counties are extremely
10 tied together in their operation, and that's why we
11 filed them almost simultaneously. And I would move
12 orally, and I can supplement in writing, to
13 consolidate the two petitions.

14 JUDGE ALBERS: I think an oral motion
15 would suffice.

16 Does anybody have any questions or any
17 objections to that?

18 MR. HIRD: No, Your Honor, NG-911, Inc.
19 would join in the motion.

20 MR. HARVEY: Staff has no objection,
21 Your Honor.

22 JUDGE ALBERS: Mr. Anderson?

23 MR. ANDERSON: You know, I'm assuming
24 we don't have an objection, but it's not something

1 I considered. So, you know, I really don't have a
2 position on it at this time.

3 JUDGE ALBERS: Okay. Well, I'm not
4 hearing any objections, so I'll go ahead and grant
5 that motion to consolidate them.

6 Anybody else have any preliminary
7 matters they wanted to raise?

8 MR. CLEMONS: Judge, we have not filed
9 any prehearing testimony.

10 This is Clemons again in Carbondale for
11 both Petitioners in the two cases.

12 And I think we're going to need to be
13 doing that. I would expect the Commission wants
14 some testimony on file.

15 MR. HARVEY: The Staff would certainly
16 expect that the Petitioners would do that before
17 the --

18 JUDGE ALBERS: Mr. Harvey, could you
19 move closer to the phone, please?

20 MR. HARVEY: I apologize, Your Honor.
21 I will bellow as best I can.

22 The Staff would certainly expect that,
23 Your Honor.

24 MR. ANDERSON: Right. And I don't -- I

1 don't know whether you want to --

2 COURT REPORTER: I'm sorry. Who's
3 speaking now?

4 MR. ANDERSON: I'm sorry. This is Karl
5 Anderson for AT&T.

6 I don't know whether you want to do it
7 at this hearing, but perhaps you want to set a date
8 for responsive testimony.

9 JUDGE ALBERS: Well, yeah, my plan was
10 if the Petitioners wanted to file testimony, we'd
11 go ahead and set a date for that, as well as a date
12 for any Staff or Intervenor responsive testimony.

13 MR. ANDERSON: Okay.

14 JUDGE ALBERS: So, why don't we go
15 ahead and -- unless somebody has something else
16 they want to raise on the record, we can go ahead
17 and go off the record and look at our calendars and
18 figure out dates for those filings.

19 MR. HIRD: Your Honor, this is Rick
20 Hird for NG-911, Inc.

21 We will be filing testimony in support
22 of the petitions, so I anticipate filing direct
23 testimony simultaneously with the Petitioners.

24 JUDGE ALBERS: That makes sense.

1 Okay. Well, I'm going to go off the
2 record then.

3 (Discussion off the record.)

4 JUDGE ALBERS: Back on the record.

5 We have discussed the schedule. And
6 Petitioner -- the Petitioners and NG-911 can file
7 direct testimony on July 3rd.

8 Staff and AT&T would file their direct
9 testimony on August 1st.

10 Petitioners and NG-911 would file their
11 rebuttal on August 15th.

12 And we would meet for a status hearing
13 at 9:30 on August 19th to see if there's a need for
14 further testimony.

15 And I'll just throw in there that if
16 there is no need for further testimony and the
17 parties feel comfortable going forth with an
18 evidentiary hearing, we can go ahead and do that on
19 the 19th. Just give me a heads-up as soon as you
20 can.

21 Anything else for the record today?

22 MR. HARVEY: Nothing from Staff, Your
23 Honor.

24 MR. CLEMONS: Nothing further from

1 Petitioners in the two cases.

2 JUDGE ALBERS: All right. Anything
3 from AT&T?

4 MR. ANDERSON: Nothing further, Your
5 Honor.

6 JUDGE ALBERS: Thank you.

7 MR. HIRD: Nothing from NG-911, Inc.
8 Thank you.

9 JUDGE ALBERS: Thank you.

10 And with that, we'll continue this to
11 9:30 on August 19th.

12 (The matter was continued to
13 August 19th, 2014, at 9:30 a.m.)

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